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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/203,965

12/02/98

LEE

G

DAVOX-159XX

BOURQUE AND ASSOCIATES
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SUITE 303
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WM02/0703

EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/203,965

Applicant(s)

LEE, GENE W.

Examiner

William J Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 15 is objected to because of the following informalities:

Specifically, at line 16, the word "identifying" should be -- identify --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,278,898 (Cambray et al.) in view of U.S. Patent No. 5,311,572 (Friedes et al.)

With respect to claims 7 and 15, Cambray et al teach a hold queue prioritizing system, comprising; an automatic telephone system (Col. 1, lines 43 - 44), a call receiver/director (12), a customer database (Col. 2, line 57), a means for obtaining identifying information (note call ID and indicia of Fig 1), at least one hold queue (18) connected to call receiver/director (12) (see Fig. 1), a plurality of call agent terminals (16) coupled to the automated phone system (Fig. 1) and a hold queue prioritizer/call retriever (26).

Therefore, Cambray et al. teach the claimed device except for a means responsive to obtained caller identifying information, for searching a customer database

to identify customer data records corresponding to the caller identifying information for each of said plurality of connected calls, and retrieving a call prioritizing information from each of the customer databases.

However, Friedes et al. teach such limitations (see Col. 4, lines 15 – 29 and Col. 11, lines 38 – 43). Note that the prioritizing is the fact that the caller is a gold cardholder and therefore entitled to different call treatment. In addition, note the use of ANI for identifying the customer database. It would have been obvious to have incorporated such limitations as taught by Friedes et al. into the Cambray et al. device as such would only entail the substitution of one indicia for another or the addition of a well known indicia.

With respect to the display in claims 8 and 16, such is inherent. With respect to the means for manually directing a call to an available agent in claims 8 and 16, note Col. 4, lines 30 - 34.

With respect to claims 9 and 18, note raw customer information retrieved (note Col. 3, lines 8 - 11).

With respect to claim 10, note call priority score (Claim 2)

With respect to claims 11 and 19, note absolute priority (FIFO, Col. 2, lines 11 - 16).

With respect to claim 12, note Col. 2, lines 5 - 8 and Col. 5, lines 15 - 31.

With respect to claim 13, Cambray et al does not teach ANI but does teach Call ID. Note the use of ANI as discussed above by Friedes et al. It would have been obvious to one of ordinary skill in the art to have incorporated such use of ANI as taught

by Friedes et al. into the Cambary et al. device as such would only entail the substitution of one well known identification means for another.

With respect to claim 14, note Col. 2, line 60.

With respect to claim 17, note Col. 2, line 65 - Col. 3, line 4.

With respect to claims 1 – 6, such method claims would be inherent from the discussion above.

Response to Arguments

Applicant's arguments with respect to claims 1- 19 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

WILLIAM J. DEANE, JR.
PATENT EXAMINER



20 Jun 01